AMENDMENTS TO THE DRAWINGS

The drawing sheets attached in connection with the above-identified application containing Figure(s) 9(b-e), 10, 12, 13, 15, 16, 17 and 19 are being presented as a new formal drawing sheet or sheets to be substituted for the previously submitted drawing sheet or sheets. The drawing figures have been amended to add the SEQ ID NOs. Appended to this amendment is an annotated copy of the previous drawing sheet which has been marked to show changes presented in the replacement sheet of the drawing.

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and these remarks.

Claims 1, 4, 5, 6, 7, 8 and 9 are amended currently. Upon entry of this response, therefore, claims 1 and 4—9 will be pending.

Applicant acknowledges, with thanks, the examiner's withdrawal of the previous restriction requirement. Accompanying this response are (i) revised figures and (ii) an English translation of applicant's Japanese priority document. Also, (iii) claims 6-9 are revised to obviate the stated objection for improper multiple dependency.

Thus, applicant has addressed each matter raised in the action, aside from the art rejections detailed on pages 4 – 9. As to the latter, the stated rationale for the Section 102(a) rejection over GenBank accession No. AB127601 is inapposite in view of applicant's Section 119 date, perfected through the above-mentioned submission of a translated priority document. By the same token, the stated basis for the Section 102(b) rejection over U.S. patent No. 5,164,305 is vitiated by the replacement of "represented by," in amended claims 3 and 5, by the preposition -- of --. Accordingly, applicant submits that the pending anticipation rejections should be withdrawn.

Regarding the pending Section 103(a) rejections, the examiner contends that is would have been obvious, in light of Jaurin *et al.* (1982), to modify prior disclosures of a "TipA promoter," which she finds in each of the '305 patent and Takano *et al.* (1995), thereby to obtain a "mutated TipA gene promoter" essentially as prescribed in claims 1, 2, and 4 respectively. Without acquiescing to this reasoning and without prejudice or disclaimer, applicant has chosen to advance prosecution by incorporating the salient recitations of canceled claims 2 and 3 into claim 1.

Since the action does not reject claim 3 on obviousness grounds, it necessarily follows that amended claim 1 likewise should be deemed to meet the requirements of Section 103(a).

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Accordingly, withdrawal is requested of the pending obviousness rejection against claim 1 and dependent claim 4.

Applicant submits that the present application is in condition for allowance. An early indication to this effect is requested. Examiner Joike is invited to contact the undersigned directly, should she feel that any point requires further consideration.

The Commissioner also is authorized to charge any additional fees, which may be required under 37 CFR §§ 1.16-1.17, and to credit any overpayment to Deposit Account No. 19-0741. Should no proper payment accompany this response, then the Commissioner is authorized to charge the unpaid amount to the same deposit account. If any extension is needed for timely acceptance of submitted papers, applicant hereby petitions for such extension under 37 CFR §1.136 and authorizes payment of the relevant fee(s) from the deposit account.

Respectfully submitted,

Date

FOLEY & LARDNER LLP Customer Number: 22428

Telephone: (202) 672-5404 Facsimile: (202) 672-5399 Stephen A. Bent

Attorney for Applicant

Registration No. 29,768

Title: PROCESS FOR PRODUCING RECOMBINANT PROTEIN IN BACTERIUM BELONGING TO THE GENUS RHODOCOCCUS

Inventor(s): Nobutaka NAKASHIMA, et al. Appl. No.: 10/553,979 ANNOTATED DRAWING SHEET

BERGIA GTG TAC ATA TCG AGG CGG GCT CCC ACG GCC CGG GCT GAG GGA GCC GAC GGC ACG CGG CGG CTC ACG GCG TGG CAC GCG GAA CGT CCG GGC TTG CAG CTC

ACG TCA CGT GAG GAG GCG TGG GAG TCA GAG GGA GCG GCQ ATG

-10
RBS

GTC TAG AAA TAA TIT TGT TTA ACT TTA AGA AGG AGA TAT ACC (SEQ ID NO: 110)

GGC CAC CAT CAC CAT CAC CAT ATG GGA ATT CTA CGT AGC GGC CGC GGA TCC GIV His His His His His His Met GIV IIe Leu Arg Ser GIV Arg GIV Ser

Hind I | Bg/I | Afho | Spel | S

CTC GCT GCG GGT GCC GGT GCG AGG GAC TGC AAC ACG CGA AAC CTG CAC AAA

CAC ACE GAE GIT GEA ATE AGC GCC ACE GAC ACA CCC GAT ACC GGC GCT

CCC CGG TTG GTG ACC ACC GCT GGG GCG GCT GAC CTG CTA CGC CGC CTC

AGC GGG ACT CTA GT (SEQ ID NO: 108)

Fig. 91

Title: PROCESS FOR PRODUCING RECOMBINANT PROTEIN IN BACTERIUM BELONGING TO THE GENUS RHODOCOCCUS

Inventor(s): Nobutaka NAKASHIMA, et al. Appl. No.: 10/553,979 ANNOTATED DRAWING SHEET

GTC TAG AAA TAA TTT TGT TTA ACT TTA AGA AGG AGA TAT ACQ (SEQ ID NO: 113) GTG TAC ÀTA TOG AGG GGG GCT CCC ACG GCC GCC CGG GCT GAG GGA GCC GAC AGÉ TCA CGT GAG GAG GCA GCG TGG ACG GQG TCA GAG AAG GGA GCG GCC ATG RBS Net GGC ACG CGG CGG CTC ACG GCG TGG CAC GCG GAA CGT CCG GGC LTG CAG CTC GGA ATT CTA CGT AGC GGC CGC GGA TCC AAG CTT AGA TCT CGA GGA CAT CAC Gly lle Leu Arg Ser Gly Arg Gly Ser Lys Leu Arg Ser Arg Gly His His GCC GGT GCG AGG GAC TGC AAC ACG CGA AAC CTG CAC AAA CAC ACG GGC ACC CGT GAG CCC CTC GCT **N**col BanHI Hind !! CAC TGA ACT AGT CGA CCC ACC His * (SEQ ID NO: 112) Sa/I Notl SnaBl EcoRI <u>66</u>T ဗ္ဗ

GCT GAC CTG CTA CGC CGC CTC AGC GGG

909 999

60T

TTG GTG ACC ACC

999

GAG GTT GGA ATG AGC GCC ACG GAC ACA CCC GAT ACC GGC GCC GTT CCA CCC

ACT CTA 6T (SEQ ID NO: 111)

Fig. 9(

BSFGI GTG TAC ATA TCG AGG GGT CCC ACG GCC GGG GCT GAG GGA GCC GAC GGC ACG CGG CGG CTC ACG GCG TGG CAC GCG GAA CGT CCG GGC <u>Ittg Cac</u>i ctc

JI AGA AAT AAT ITT GTT TAA CTT TAA GAA GGA GAT ATA CAT (SEQ I Nool Ecari saabi Noti

GGC CAT CAC CAT CAC CAT CAC GCC ATG GGA ATT CTA CGT AGC GGC CGC GGA GIY His His His His Ala Met GIY 11e Leu Arg Ser Gly Arg GIY

TCC AAG CTT AGA TCT CGA GGA TGA ACT AGT CGA CCC ACC GGC ACC CGT Ser Lys Leu Arg Ser Arg Gly * (SEQ ID NO: 115)

OCC CTC GCT GCG GGT GCG GGT GCG AGG GAC TGC AAC ACG CGA AAC CTG CAC

AAA CAC ACG GAG GTT GGA ATG AGC GCC ACG GAC ACA CCC GAT ACC GGC GCC

GTT CCA CCC CGG TTG GTG ACC ACC GCT GGG GCG GCT GAC CTG CTA CGC CGC

CTC AGC GGG ACT CTA GT (SEQ ID NO: 114)

Fig. 9c

Title: PROCESS FOR PRODUCING RECOMBINANT PROTEIN IN BACTERIUM BELONGING TO THE GENUS RHODOCOCCUS Inventor(s): Nobutaka NAKASHIMA, et al. Appl. No.: 10/553,979 ANNOTATED DRAWING SHEET

BSFG! GTG TAC ATA TCG AGG CGG GCT CCC ACG GCC GCC CGG GCT GAG GGA GCC GAC GGC ACG CGG CGG CTC ACG GCG TGG CAC GCG GAA CGT CCG GGC <u>ITG CAC</u>I CTC

ACG TCA CGT GAG GAG GAG GGG TGG GGG TCA GAG GAG GGG CAT ATG RBS

G TCT AGA AAT AAT TTT GTT TAA CTT TAA GAA GGA GAT ATA CAT (SEQ ID NO: 119)

GGA ATT CTA CGT ABC GGC CGC GGA TCC AAG CTT AGA TCT CGA GGA CAT CAC GIY II'S Leu Arg Ser GIY Arg GIY Ser Lys Leu Arg Giy His His

CAT CAC CAT CAC TGA ACT AGT CGA CCC ACC GGC ACC CGT GAG CCC CTC GCT His His His His $*(\operatorname{SEQ} \operatorname{ID} \operatorname{NO}: 118)$

GOG GGT GCC GGT GCG AGG GAC TGC AAC ACG CGA AAC CTG CAC AAA CAC ACG

GTT GGA ATG AGC GCC ACG GAC ACA CCC GAT ACC GGC GCC GTT CCA CCC

GAG

CGG TTG GTG ACC ACC GCT GGG GCG GCT GAC CTG CTA CGC CGC CTC AGC GGG

ACT GTA GT (SEQ ID NO: 117)

Fig. 9



RepA&B

EcoRI

Ndel

pTip-CH2.1 pTip-LCH2.1

EcoRI

Title: PROCESS FOR PRODUCING RECOMBINANT PROTEIN IN BACTERIUM BELONGING TO THE GENUS RHODOCOCCUS

Inventor(s): Nobutaka NAKASHIMA, et al. Appl. No.: 10/553,979 ANNOTATED DRAWING SHEET

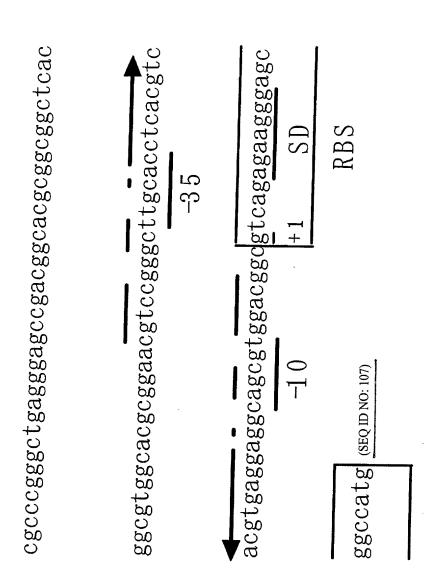
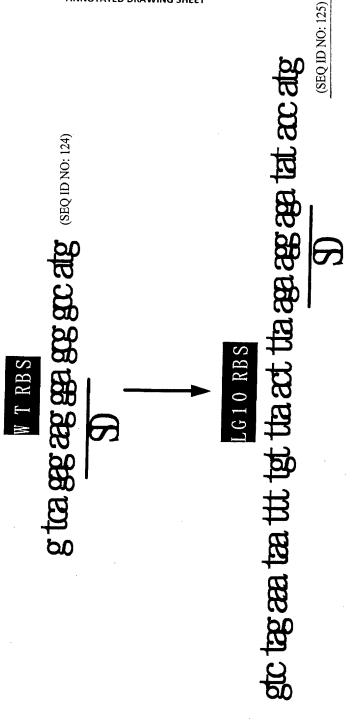


Fig. 12

Inventor(s): Nobutaka NAKASHIMA, et al.

Appl. No.: 10/553,979 ANNOTATED DRAWING SHEET



_	-	
5	ij)

					Appl. No.: 10/553,979	
Motif III	l a XYXXKXq X	25 LAANLTKI AS (129) 267 I GNYVSKAQT (134) 254 MATYLAKGAS (138) 80 LI HYLTKNQD (143) 69 LAHM AKTQD (148) 69 LAHM AKTQD (153) *: *		AI	NNOTATED DRAWING SHEET	
Motif II	gXXgXXr aXeXt XgXXnGwHXHXhXl X	GLRSCCKGW CPCC(126) 26 Myththropolicity 33 GCDGyvravej Thek- Nomenhymall (128) 53 Laaylyki AS (129) GLHTCGS WACP VC(131) 27 M.TL TCRH(132) 33 GLYGYVRANEJ THEK- HOWENHYLJ (133) 67 I GNYVSKACJ (134) 76 MFVGTVRH(136) 34 VEHTYSDYEVIDS WA- NOWE HRNML (137) 54 MATYL AKGAS (138) GLYRCCRI WFCPC(140) 27 LVIFTARH(141) 77 GYI GWARAAEVIRSKKNGYPPHLM LV(142) 80 LJ FYLTKNCD(143) GLMCCRI W.CPVC(145) 27 LVIFTARH(146) 59 GYVCM RATEVIVGQI NGWIPHI HAI V(147) 69 LAFYI AKTQD(148) 4.* ** ** ** ** ** ** ** ** ** ** ** ** *			Numbers in parentheses indicate SEQ ID NOs.	
Motif I	Xvt XIXRH	26 MTMTMRH(127 127 M.TLTQRH(136 76 MFVGTVRH(136 27 LVTFTARH(146) 27 LVTFTARH(146) 27 LVTFTARH(156)		glr	GLR(130) GLR(135) GAR(139) GLR(144) YLR(149) XLR(154)	
Motif IV	G_XXCGXXWKCPXC	GLRSCCKGW CPCC(126) GLHTCCSVWACPVC(131) GLVRCCRI W.CPVC(140) GLMCCRI W.CPVC(1450) GLMCCRI W.CPVC(150) ** ** ** **	C-terminal motif	We y EXa XXgr Ra i XWYr gl r	WEYEKASFGRALTWSKGLR (130) WEYEKASFGRALTWSKGR (135) WEYEVGSKNLRS-SWSRGAK (139) WAQYEEALAGRRAI EWIRGLR (144) WEYERATRGRAI EWIRYLR (149) WEYERATKGRAI EWIRYLR (154) * ::* * * * :::	
		68 138 38 20 20			276 365 250 352 288 288	
	Consensus	pRE8424 pAP1 pBL1 pJ V1 pI J 101 pSNZ2		Consensus	pRE8424 pAP1 pBL1 pJ V1 pI J 101 pSNZ2	
23/30						

GACCHARANAICETETCCGGGGTTT--GGGANAGAA-- (SEQ ID NO: 160)

Nicking site

CECTIVITY CC-C-CA- AAACTITT--ECCAACAA---- (SEQID NO: 156) GAAATAGAA-GIGA-AGACEICTARGGAACCGCA--(SEQID NO: 157) CTGGGGAAAAAGGGA--GGGGT---KGGTAAAGGGTT(SEQID NO: 158) CGARREGEARGCE-CAR-CTGCCT----EAGCTGGGGGGG-(SEQ ID NO: 155)

GACGEGRADARI-ECGA- ACACETT- - CECARAGAA- - (SEQ ID NO: 159)

5705 2378 1314

pRE8424

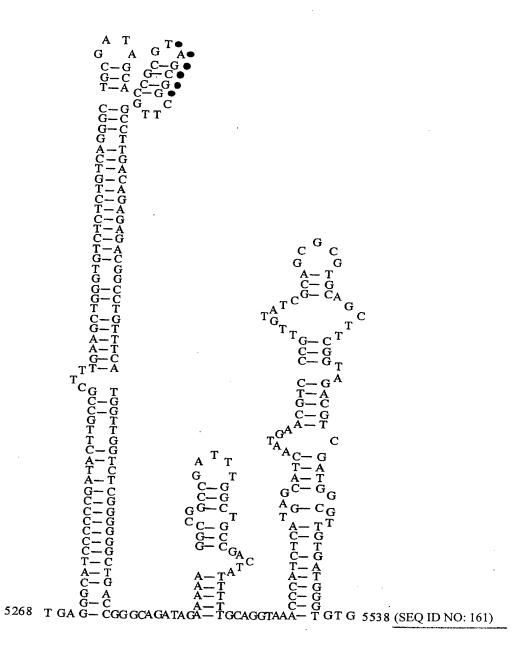
pAP1 pBL1 pJ VI

3375 1346 7805

pIJ101 pSN22

Title: PROCESS FOR PRODUCING RECOMBINANT
PROTEIN IN BACTERIUM BELONGING TO THE
GENUS RHODOCOCCUS
Inventor(s): Nobutaka NAKASHIMA, et al.
Appl. No.: 10/553,979
ANNOTATED DRAWING SHEET

Fig. 17



Title: PROCESS FOR PRODUCING RECOMBINANT PROTEIN IN BACTERIUM BELONGING TO THE **GENUS RHODOCOCCUS**

Inventor(s): Nobutaka NAKASHIMA, et al.

Appl. No.: 10/553,979

ANNOTATED DRAWING SHEET

(SEQ ID NO: 164) (SEQ ID NO: 165) (SEQ ID NO: 166) (SEQ ID NO: 163) ACT AGT CGA CCC ACC GGC ACC CGT GAG CCC CTC GCT GGG GGT GCC GGT GGG AGG GAC TGC AAC ACG CGA AAC CTG CAC AAA CAC ACG GAG GTT BgIIIH ndIII Bg/II H ndI I I BanH Bant NotI NotI SnaBI SnaBl EcoRI Ec o RI ALDHI Spel Sall Type **MCS** Type Ncol Ndel 8 5

GGA ATG ACC GOC ACG GAC ACA COC GAT ACC GOC GOT CCA COC CGG TTG GIG ACC ACC GOT GOG GOG GCT GAC CTG CTA COC COC CTC AGC

GOG ACT CTA GT (SEQ ID NO: 167)

T'E TAC ATA TOG AGG COG GCT COC AGG COC COG COG COT GAG GGA COC CAC COC AGG COG COC AGG COG TGG CAC COG GGA COST COG COC

Ti pA-LGI0p or N t-LGI0p

Fig. 19

<u>(KTA GOG TI</u>GG AGG GGG TICT AGA AAT AAT TITT GITT TAA CITT TAA GAA GAA GAT ATA (SEQ ID NO: 162)

TIG CAC CITC AGG TICA COST GAG GAG

28/30